

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

OLIVER LYONS

v.

C.A. No. 04 - 380 T

A.T. WALL, et al.

**MEMORANDUM AND ORDER**

Plaintiff Oliver Lyons, *pro se*, is currently before the Court on his second motion to appoint counsel to represent him in the instant civil action. The Court denied plaintiff's first motion to appoint counsel.

In the appropriate case, the Court may request that an attorney represent a plaintiff in a civil action. However, there is no absolute constitutional right to a "free lawyer" in a civil case. DesRosier v. Moran, 949 F.2d 15, 23 (1<sup>st</sup> Cir. 1991). Absent exceptional circumstances, the Court can not appoint counsel in a civil matter. Id. At 23. Exceptional circumstances can include, *inter alia*, the merits of the case, the complexity of the legal issues, and the litigant's ability to represent himself. Id.

I have reviewed the plaintiff's motion and his complaint. The issues presented in the complaint are not so complex that the plaintiff is unable to represent himself. Moreover, plaintiff's motion and complaint demonstrate that he is able to present the facts and the issues himself. Accordingly, plaintiff's motion is **DENIED**.

IT IS SO ORDERED.



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Jacob Hagopian  
Senior United States Magistrate Judge  
Date: 7-15-05